

REMARKS

As to the Examiner's observation concerning priority at page 2 of the Office Action, Applicant notes that this is a PCT national stage entry and the original PCT office should have forwarded a copy of the priority document to the U.S. Patent Office.

With respect to the drawing objection, this objection is avoided since claims 59 and 60 reciting the control group and claim 104 reciting the extraction device are cancelled. Therefore addition of these features to the drawings is not necessary.

The 35 U.S.C. §112 rejection of claim 60 is avoided since this claim is cancelled.

As to the rejection of claims 54, 63, and 103 based on non-statutory obviousness-type double patenting as unpatentable over claim 1 of U.S. Patent 7,770,936 it is noted that claims 54, 63, and 103 have been amended adding a number of non-obvious features relating to male projections and female cavities, features not present in claim 1 of the '936 patent. Therefore this rejection is avoided.

The Examiner indicated that claims 56-59, 65, 66, and 68 would be allowable if placed in independent form. This has been done by rendering the appropriate dependent claims independent with the remaining dependent claims depending from the newly created independent allowable claims.

The Examiner rejected claims 54, 55, 61-64, 67, 103, and 109 under 35 U.S.C. §102 based on Koch. Claims 104 and 105 were rejected under 35 U.S.C. §103 as unpatentable over Koch.

Claim 54 clearly distinguishes over Koch in a number of ways. First, claim 54 recites the at least one first closure element comprising a male projection extending

outwardly from the inner side or a female cavity extending inwardly from the inner side. The Examiner relies on figures 2 and 5 of Koch showing a slit 9 or 9' having inner surfaces 11. But neither of these inner surfaces have any male projection or female cavity as recited.

Claim 54 next recites a second flexible band with a second closure element comprising a female cavity extending inwardly from the inner side or a male projection extending outwardly from the inner side. The opposite band surface 11 in figure 2 or figure 5 of Koch has no such complimentary female cavity or male projection.

Claim 54 next distinguishes by reciting a top side of the first band having at least one third closure element and a top side of the second band having at least one fourth closure element and wherein the third closure element comprises a male projection extending outwardly from the top side or a female cavity extending inwardly from the top side, and the fourth closure element comprising a male projection extending outwardly from the top side or a female projection extending inwardly from the top side. For this the Examiner relies on figure 5 and the edges 15'. But both of the edges 15' are the same and there is no top side with a projection or a cavity on each.

Claim 54 thus is allowable since it recites multiple features not shown in Koch. Claim 55 distinguishes at least for the reasons noted with respect to claim 54 and also be reciting additional features not suggested.

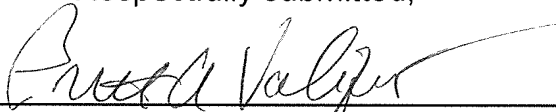
Independent claim 63 distinguishes in the same fashion noted with respect to claim 54. Dependent claim 64 is allowable at least for the reasons claim 63 is allowable and also by reciting additional features not suggested.

Independent claim 103 distinguishes for the same reasons noted with respect to claim 54. The same is true of independent claim 105. The same is also true of independent claim 109, which is also allowable for the reasons noted with respect to claim 54.

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Respectfully submitted,



(Reg. 27,841)

BRETT A. VALIQUET
SCHIFF HARDIN LLP
CUSTOMER NO. 26574
Patent Department
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant(s).